



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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EAG  
F. #2019R00029

*271 Cadman Plaza East  
Brooklyn, New York 11201*

August 15, 2019

By Federal Express and ECF

Steve Greenberg, Esq.  
53 W. Jackson Blvd., Suite 1260  
Chicago, IL 60604

Re: United States v. Robert Sylvester Kelly  
Criminal Docket No. 19-286 (AMD)

Dear Mr. Greenberg:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant, The Defendant's Criminal History and Documents and Tangible Objects

Please find enclosed a thumb drive that contains the following items. These items are subject to the terms of the protective order entered by the Court on or about August 13, 2019.

<u>Discovery Exhibit</u>	<u>Description</u>
1	American Airlines records for Robert Kelly on 1/21/2012, 1/23/2012 and 4/27/2018 and records for Jane Doe #4 on 4/29/2015
2	Delta Airlines records for Robert Kelly on 12/14/2010, 4/13/2011 and 5/4/2011
2a	Business records certification
3	American Airlines records for Jane Doe #5 on 2/2/2018 and 2/4/2018
4	Southwest Airlines records for Jane Doe #4 on 8/30/2015
4a	Business records certification
5	Southwest Airlines records for Jane Doe #5 on 4/21/2017, 5/18/2017, 5/20/2017, 6/16/2017, 12/1/2017, 12/3/2017, 1/12/2018 and 1/14/2018
6	United Airlines records for Jane Doe #4 on 9/20/2015
6a	Business records certification
7	U.S. Airways records for Jane Doe #4 for 5/2015
7a	Business records certification
8	U.S. Airways flight manifests for 5/2015
9	SunTrust Bank records for Robert Kelly, R. Kelly Publishing Inc., and RSK Enterprises LLC
10	Wintrust Bank records for Phenomenon Entertainment Worldwide
10a	Business records certification
11	Bank of America records for Milton Brown and RSK Entertainment Worldwide, Inc.
11a	Business records certification
12	JPMorgan Chase Bank records for Milton Brown, Robert Kelly, RSK Enterprises LLC and Derrel McDavid
12a	Business records certification

13	Lakeside Bank records for Bass Productions Ltd.
14	JPMorgan Chase Bank records for Derrel McDavid and Robert Kelly
14a	Business records certification
15	Bank of America records for Jones Entertainment Group, Inc., Jones Consulting Group and Gerald H. Jones
16	Citibank records for Derrel McDavid
16a	Business records certification
17	Self Help Federal Credit Union records for Kelly Home Account and Bass Productions Ltd.
18	Consencia LLC records for Robert Kelly and RSK Enterprises LLC
19	Citibank records for Derrel McDavid, 310 Madison LLC, Winkler & McDavid, Winkler & McDavid Ltd., 108 Kinzie LLC and Derrel McDavid Rev Trust Fund
19a	Business records certification
20	American Express records for Derrel McDavid
20a	Business records certification
21	Citibank records for Derrel McDavid
21a	Business records certification
22	SunTrust records for Robert Kelly
22a	Business records certification
23	Wintrust Bank records for Phenomenon Entertainment Worldwide
23a	Business records certification
24	Self Help Federal Credit Union records for Bass Productions, R. Kelly Touring Inc., Kelly Home Account and Milton Brown
25	Medical records for Robert Kelly
26	Walgreens records for Robert Kelly

26a	Business records certification
27	Quality Urgent Care records
28	University Health Systems records
28a	Business records certification
29	Birth certificate for Jane Doe #4
30	Hilton Long Island/Huntington records for various individuals, including Jane Doe #5, from 5/17/2017 to 5/20/2017
31	Statler Dallas records for various individuals from 12/1/2017 to 12/7/2017
31a	Business records certification
32	Foxwoods Resort Casino records for various individuals, including Jane Doe #4, from 7/16/2015 to 7/23/2015
33	W Chicago Lakeshore records for various individuals, including Jane Doe #4, from 11/12/2015 to 11/16/2015 and 11/22/2015 to 5/22/2016
33a	Business records certification
34	Mondrian Park Avenue records for various individuals from 1/25/2018 to 2/2/2018
35	Baccarat Hotel records for various individuals from 7/13/2015 to 7/17/2015
36	InterContinental Chicago Magnificent Mile records for various individuals, including Jane Doe #4, from 6/16/2015 to 6/19/2015
36a	Business records certification
37	Walt Disney World Dolphin Hotel records for various individuals from 4/20/2015 to 4/24/2015
38	Night Hotels Times Square records for various individuals from 7/12/2015 to 7/16/2015
38a	Business records certification
39	Four Seasons Baltimore records for various individuals from 10/1/2016 to 10/2/2016 and 7/28/2017 to 7/30/2017

40	Planet Hollywood Resort and Casino Las Vegas records for various individuals, including Jane Doe #4, from 5/5/2017 to 5/7/2017
41	DoubleTree Chicago Magnificent Mile records for Jane Doe #4 from 6/23/2015 to 7/1/2015
41a	Business records certification
42	Hotel Felix Chicago records for Jane Doe #4 from 5/29/2015 to 6/5/2015 and 9/21/2015 to 9/24/2015
43	Courtyard by Marriott Sacramento-Folsom records for various individuals, including Jane Doe #4, from 10/3/2015 to 10/4/2015
43a	Business records certification
44	Courtyard by Marriott Newark records for an individual from 7/18/2015 to 7/19/2015
44a	Business records certification
45	W New York Times Square records for various individuals from 10/7/2016 to 10/8/2016
46	Preferred Travel records for various individuals
47	Subscriber records from Apple Inc.
47a	Business records certification
48	Subscriber records from Apple Inc.
48a	Business records certification
49	Subscriber records from Apple Inc.
49a	Business records certification
50	Subscriber records from Apple Inc.
50a	Business records certification
51	Subscriber records from Oath Holdings Inc.
51a	Business records certification

52	Subscriber records from Oath Holdings Inc.
52a	Business records certification
53	Subscriber records from Oath Holdings Inc.
54	Uber Technologies Inc. records
55	Uber Technologies Inc. records
56	NRG Recording Studios records, including receipts, work orders, invoices, payments, floorplans and photographs of the facilities
57	Empire CLS records for various individuals, including Jane Doe #4
58	Live Nation records, including touring schedules for R. Kelly
58a	Business records certification
59	Chicago Motor Cars records
60	Screen Actors Guild – American Federation of Television and Radio Arts (SAG-AFTRA) records for Robert Kelly
60a	Business records certification
61	SoundExchange Inc. records
62	Broadcast Music Inc. records
62a	Business records certification
63	Artists Rights Management records
64	Hys Limousine Worldwide records from 7/18/2015 to 7/19/2015
65	Snap Inc. records for Jane Doe #4
65a	Business records certification
66	Florida Virtual School records for Jane Doe #4
67	Criminal History reports for Robert Kelly
68	Text messages, pictures and social media communication between Jane Doe #4 and Jane Doe #4's friend

69	Text messages, pictures and social media communication between Jane Doe #4 and Jane Doe #4's friend
70	Documents from Jane Doe #4's parents
71	Documents from Jane Doe #4's parents
72	Letter and attachments dated 10/22/2018
73	Photograph
74	Pamphlet
75	Abandoned property
76	License Plate Recognition reports
77	United States Postal Service records
77a	Business records certification
78	Illinois Secretary of State records, including entity information and annual reports for Bass Productions Ltd., R. Kelly Publishing Inc., and RSK Enterprises LLC
79	Search Warrant return from Apple Inc.
79a	Business records certification
80	AT&T Historical Cell Site Search Warrant return
80a	Business records certification
81	Text messages, pictures, emails, and audio recordings provided by Jane Doe #5
82	Chicago Trax floorplans
83	Homewood Suites Chicago records for various individuals from 3/28/2017 to 3/31/2017, 5/30/2017 to 6/22/2017, 6/4/2017 to 6/7/2017, 6/4/2017 to 6/13/2017, 6/14/2017 to 6/18/2017, 7/17/2017 to 7/18/2017, 7/20/2017 to 7/29/2017, 8/12/2017 to 8/25/2017, 8/30/2017 to 9/3/2017, 9/7/2017 to 9/18/2017, 9/25/2017 to 10/8/2017, 1/6/2017 to 1/12/2017, 1/20/2017 to 2/11/2017, 2/27/2018 to 3/2/2018, 3/23/2018 to 3/28/2018
83a	Business records certification

84	Holiday Inn Express North Hollywood records for various individuals from 11/19/2017, 12/14/2017 to 12/30/2017 and 1/15/2018 to 1/24/2018
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The government is also in possession of documents and digital media that was seized from 401 North Wabash Avenue, Apartment 48F, Chicago, Illinois. Upon completion of the government's review of the digital material seized, the government will provide to the defense copies of the seized digital media or otherwise make it available.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

**B. Reports of Examinations and Tests**

The government will provide you with copies of any reports of examinations or tests in this case as they become available.

**C. Expert Witnesses**

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

**D. Brady Material**

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

**E. Other Crimes, Wrongs or Acts**

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

**II. The Defendant's Required Disclosures**

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow

inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

### III. Emails Sent and Received by Defendants Incarcerated at a Bureau of Prisons Facility

The government may request that the Bureau of Prisons ("BOP") produce to the government emails sent and received by the defendant during his period of incarceration at a BOP facility (collectively, "BOP email communications"). While it is the government's position that BOP email communications, including those between the defendant and his attorneys and other legal assistants and paralegals on their staff, are not privileged communications, in most instances, the government will request that the BOP exclude from any production communications between the defendant and his or her attorneys and other legal assistants and paralegals on their staff, if you provide the full email addresses for such attorneys, legal assistants and paralegals by August 22, 2019. To enable this process, the government requests that you send an email to the undersigned Assistant U.S. Attorneys with the list of email addresses in the body of the email. If you subsequently wish to provide an email address for an additional attorney, legal assistant or paralegal or change any of the previously-provided email addresses, you should send an email with the complete list of email addresses, including email addresses that remain unchanged, in the body of the email.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/ Elizabeth A. Geddes  
Elizabeth A. Geddes  
Nadia Shihata  
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Assistant U.S. Attorneys  
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Enclosures

cc: Clerk of the Court (AMD) (by ECF) (without enclosures)